<u>**REMARKS**</u>

Applicants respectfully request reconsideration and allowance of the above-identified patent application. In this paper, claims 31-35 and 51-53 are pending, wherein claim 31 has been currently amended, claims 36-44 have been canceled, and claims 51-53 are new.[1]

Initially Applicants and Applicants' attorney express appreciation to the Examiner for the courtesies extended during the recent interview held on August 25, 2005. The claim amendments and arguments submitted in this paper are consistent with the amendments and arguments presented during the course of the interview.[2]

Applicants also note with appreciation the Examiner's withdrawal of the previous grounds of rejection. Further, Applicants note with appreciation the Examiner's consideration of the documents submitted in the Information Disclosure Statements (IDSs) filled on March 18, 2005, and April 26, 2005.

The Office Action rejects independent claim 36 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,493,638 to Hooper et al. (*"Hooper"*); rejects independent claim 31 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Hooper* in view U.S. Patent No. 6,226,642 to Beranek et al. (*"Beranek"*); and rejects each of the remaining dependent claims as either anticipated under 35 U.S.C. § 102(b) by *Hooper* or as unpatentable under 35 U.S.C. § 103(a) over *Hooper* in view of one or more of *Beranek*, U.S. Patent No. 6,021,198 to Anigbogu et al. (*"Anigbougu"*), and/or U.S. Patent No. 5,990,976 to Higashida (*"Higashida"*). Applicants respectfully traverse these grounds of rejection.[3]

As discussed during the interview, Applicants' invention generally relates to computing system with a server that provides remote client access to a software program that creates a layout of elements from a display design based on limitations of the system, wherein the display will be transmitted to one or more clients as compressed video stream. As recited in claim 31,

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[1] Support for the claim amendments can be found throughout the Specification, including ¶¶ [060], [069], [071], [081], [0166], and [0270].

[2] Applicants also note for the record (as discussed in the interview) that this case is part of a family of cases including the following application serial numbers: 09/770,769; 09/770,644; 09/770,767; 09/770,765; 09/770,766; 10/975,693; 10/976,063; 09/744,771; and 09/744,662. In order to preserve any and all rights available to Applicants, Applicants will not provide a terminal disclaimer with reference to any of the aforementioned cases at this time. Nevertheless, one or more terminal disclaimers may be provided in the future if the Examiner deems it necessary.

[3] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to do so in the future. Accordingly, any amendment or arguments made herein should not be construed as acquiescing to any prior art status or asserted teachings of the cited art.

e.g., the claimed software program comprises one or more computer readable media having stored thereon: a restriction module that when running at a server receives one or more restrictions defining one or more limitations imposed by a compression method to be used in generating a display representing a user interface corresponding to a program running at the server and that is displayed at a remote client as a compressed video stream; and a design module that when running at the server, lays out one or more display elements for said user interface, responsive to said received one or more limitations in order to meet said one or more limitations when creating a compressed video stream of said display to be sent to said remote client.

Applicants have amended claim 31 to include, *inter alia*, that the design module modifies the layout of the display elements relative to a layout without the one or more limitations, and that the modifications include at least one or more of moving an element, replacing an element, changing a property on an element, or removing an element. A compression module is also provided for compressing the modified layout and a transmission module then sends the compressed video stream to one or more clients for viewing and interacting with the user interface of the program.

As discussed and generally agreed to during the interview, the cited art of record does not anticipate or otherwise render claim 31 unpatentable. More specifically, the combination of *Hooper* and *Beranek*—taken either individually or as a whole—does not disclose, suggest, or enable each and every feature of these claims.[4] For example, the combination of *Hooper* and *Beranek* does not disclose, suggest, or enable a design module that modifies a layout of display elements for a user interface of a program running at a server relative to a layout without one or more limitations, and that the modifications include at least one or more of moving an element, replacing an element, changing a property on an element, or removing an element, as recited, *inter alia*, in independent claim 31.

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[4] "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131. Applicants also note that "[i]n determining that quantum of prior art disclosure which is necessary to declare an applicant's invention 'not novel' or 'anticipated' within section 102, the stated test is whether a reference contains an 'enabling disclosure.'" MPEP § 2121.01. In other words, a cited reference must be enabled with respect to each claim limitation.

In order to establish a *prima facie* case of obviousness, "the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP § 2143 (emphasis added). During examination, the pending claims are given their broadest reasonable interpretation, i.e., they are interpreted as broadly as their terms reasonably allow, consistent with the specification. MPEP §§ 2111 & 2111.01.

In contrast to the present invention, *Hooper* discloses remote displaying of an image by transmitting compressed video frames representing background and overlay portions thereof. Each image is assigned a unique ID or name and then encoded for storage as in a video/image server. For example, a background image is encoded as an I-frame, whereas overlays such as dialog boxes, buttons, and icons are encoded and stored as P-frames. The frames are saved as an order list so that the may be transmitted in the proper sequence to ensure correct reconstruction of the image. Further text is assigned to various locations on the frames. Final versions of the background, controls, other image overlays, and text are then authored. In addition, control information is created and placed in a parameters file or in-memory array, which contains the frame IDs and attributes for the text objects. The final images, parameter file, and text are then stored for transmission over separate data steams to a settop box, which uses such information to reconstruct images for display. (*See e.g.,* col. 6, l. 22 through col. 7, l. 65).

Among other things, however, *Hooper* does not disclose, suggest, or a design module that modifies a layout of display element(s) for a user interface of a program running at a server relative to a layout without limitation(s), and that the modifications include at least one or more of moving an element, replacing an element, changing a property on an element, or removing an element, as recited, *inter alia*, in independent claim 31. Recognizing some of the deficiencies of *Hooper,* the Office Action cites *Beranek.*
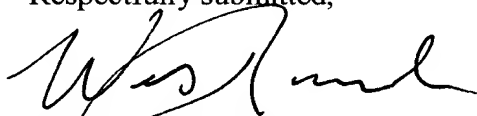
Beranek discloses a content modification of internet Web pages for a television class display. As noted by the Office Action, *Beranek* dynamically modifies Web content of HTML documents prior to its display in a browser at a client side Web appliance display device. Such modification of an HTML document, however, is not the same as Applicants' claim to a design module that modifies a layout of display element(s) for a user interface of a program running at a server relative to a layout without limitation(s), and that the modifications include at least one or more of moving an element, replacing an element, changing a property on an element, or removing an element, as recited, *inter alia*, in independent claim 31. Accordingly, *Beranek* does not rectify those deficiencies noted above with respect to *Hooper*; and therefore Applicants respectfully submit that the combination of *Hooper* and *Beranek*—taken either individually or as a whole—does not render claim 31 unpatentable. Indeed, as noted in the Interview Summary, the amendment proposed during the interview appears to overcome current rejections, meaning that a new search most likely will be needed.

Based on at least the foregoing reasons, therefore, Applicants respectfully submit that the cited art fails to anticipate or make obvious Applicants' invention, as claimed, for example, in independent claim 31. Applicants note for the record that the other rejections and assertions of record with respect to the independent and dependent claims are now moot, and therefore need not be addressed individually. Accordingly, Applicants do not acquiesce to any assertions in the Office Action that are not specifically addressed above, and hereby reserve the right to challenge those assertions in the future, including any official notice taken by the Examiner, if necessary or desired.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and notice to this effect is earnestly solicited. Should any question arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at +1.801.533.9800.

Dated this 2nd day of September 2005.

Respectfully submitted,

RICK D. NYDEGGER
Registration No. 28,651
WESLEY C. ROSANDER
Registration No. 51,030
Attorney for Applicant
Customer No. 047973

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